

AO 241 (Rev. 5/85)

**PETITION UNDER 28 USC § 2254 FOR WRIT OF  
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

<b>United States District Court</b>		District <b>District of Massachusetts</b>	
Name <b>John W. Candelora</b>	Prisoner No. <b>W-69212</b>	Case No.	
Place of Confinement <b>N.C.C.I. Gardner P.O. Box 466 Gardner, Ma. 01440</b>		<div style="font-size: 2em; font-weight: bold; margin: 0;">05-11794 WGY</div> <div style="font-size: 0.8em; margin-top: 5px;">MAGISTRATE JUDGE <i>Bowler</i></div>	
Name of Petitioner (include name under which convicted) <b>John W. Candelora</b>		Name of Respondent (authorized person having custody of petitioner) <b>V. Steven O'Brien, Superintendent</b>	
The Attorney General of the State of: <b>MASSACHUSETTS</b>			

**PETITION**

1. Name and location of court which entered the judgment of conviction under attack Plymouth Superior Court  
72 Belmont Street, Brockton Ma, 02301
2. Date of judgment of conviction Judged and Sentenced on March 9, 2001.
3. Length of sentence 9-12 in State Prison,
4. Nature of offense involved (all counts) Assault with intent to Rape, M.G.L. 265 §24B  
Rape of Child, M.G.L. 265 §23., Indecent assault and battery M.G.L.-  
265 §13B., Rape of Child M.G.L. 265 §22A
5. What was your plea? (Check one)  
☒ Not guilty                      ☒  
 (b) Guilty                              ☐  
 (c) Nolo contendere                      ☐  
 If you entered a guilty plea to one count or indictment, and not a guilty plea to another count or indictment, give details:  


---
6. If you pleaded not guilty, what kind of trial did you have? (Check one)  
☒ Jury                                      ☒  
 (b) Judge only                              ☐
7. Did you testify at the trial?  
 Yes ☒                      No ☐
8. Did you appeal from the judgment of conviction?  
 Yes ☒                      No ☐

AO 241 (Rev. 5/85)

9. If you did appeal, answer the following:

- (a) Name of court Commonwealth of Massachusetts, Appeals Court
- (b) Result Conviction(s) Affirmed,
- (c) Date of result and citation, if known December 19, 2003. 02-P-110
- (d) Grounds raised Trial judge abused discretion in allowing inadmissible statements and evidence "Causing Prejudice" against the Defendant
- (e) If you sought further review of the decision on appeal by a higher state court, please answer the following:
- (1) Name of court SUPREME JUDICIAL COURT
- (2) Result DENIED
- (3) Date of result and citation, if known March 10, 2004. #FAR-13903
- (4) Grounds raised Trial judge committing reversible error by admitting evidence of uncharged bad acts, without jury instructions, Defendant deprived of fair trial in violation of the 14th Amendment
- (f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

- (1) Name of court N/A
- (2) Result \_\_\_\_\_
- (3) Date of result and citation, if known \_\_\_\_\_
- (4) Grounds raised \_\_\_\_\_

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes ☒ No ☐

11. If your answer to 10 was "yes," give the following information:

- (a) (1) Name of court Plymouth Superior Court
- (2) Nature of proceeding Revise and Revoke filed March 12, 2001 (Proceeding-Still Pending)...
- (3) Grounds raised \_\_\_\_\_

AO 241 (Rev. 5/85)

---



---



---

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐(5) Result N/A

(6) Date of result \_\_\_\_\_

(b) As to any second petition, application or motion give the same information:

(1) Name of court N/A

(2) Nature of proceeding \_\_\_\_\_

---

(3) Grounds raised \_\_\_\_\_

---



---



---



---

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐(5) Result N/A

(6) Date of result \_\_\_\_\_

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☐ No ☐(2) Second petition, etc. Yes ☐ No ☐(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

---



---



---

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the *facts* supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting the same.

Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

AO 241 (Rev. 5/85)

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (h) Denial of right of appeal.

A. Ground one: Denial of the Constitutional right to a fair trial under  
14th Amendment "Due Process Clause".

Supporting FACTS (state *briefly* without citing cases or law) Trial judge committed reversible  
error when he admitted evidence of "Uncharged Bad Acts" by petitioner  
that were so remote in time from the "Charged" acts as to have no  
probative value.

B. Ground two: Denial of the Constitutional right to a fair trial under  
14th Amendment "Due Process Clause".

Supporting FACTS (state *briefly* without citing cases or law) Trial judge committed reversible  
error when he admitted evidence regarding a letter written by petit-  
itioner to his wife, which contained irrelevant and confusing informa-  
tion...



AO 241 (Rev. 5/85)

C. Ground three: Denial of the Constitutional right to a fair trial under 14th Amendment...

Supporting FACTS (state *briefly* without citing cases or law) Prosecutor misstated the evidence in closing argument, which improperly vouched for the credibility of one of the complainants, Thus making a difference in the jury's conclusions as to all of the Indictments...

D. Ground four: Denial of the Constitutional right to a fair trial under 14th Amendment...

Supporting FACTS (state *briefly* without citing cases or law) Prosecutor misstated the evidence in closing argument, which supplied a false factual predicate for the alleged forcible rape, Trial judge also gave constitutionally defective jury instruction for the jury to consider...

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them: Petitioner asserts that all claims are exhausted, Appellate counsel never advised petitioner of 1 yr filing period for "Timely" filing of Habeas petition., (See attached-letter from appellate counsel) Petitioner invokes "EQUITABLE TOLLING"...

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?  
Yes ☐ No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of judgment attacked herein:

(a) At preliminary hearing David G. Nagel 100 Schoosett st Building 1 Suite A  
Pembroke Ma 02359..Patricia A. Downey 11 Russell st Plymouth Ma 02360

(b) At arraignment and plea See Above\*\*

AO 241 (Rev. 5/85)

(c) At trial Patricia A. Downey 11 Russell St Plymouth Ma 02360(d) At sentencing See Above\*\*(e) On appeal Peter Onek (C.P.C.S.) 44 Bromfield st Boston Ma 02108(f) In any post-conviction proceeding N/A(g) On appeal from any adverse ruling in a post-conviction proceeding N/A

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and the same time?

Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☒ No ☐(a) If so, give name and location of court which imposed sentence to be served in the future: Plymouth Superior Court 72 Belmont Street, Brockton Ma..(b) Give date and length of the above sentence: 3-5 yrs, MCI Cedar Junction from and after Sentence imposed on Indictments 102507 & 102100

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☒

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

John Candelora Pro-se  
Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

8-21-05  
(date)

John Candelora  
Signature of Petitioner

# *Committee for Public Counsel Services*

*Public Defender Division*

*Appeals Unit*

*44 Bromfield Street, Boston, MA 02108*

TELEPHONE  
(617) 482-6212

August 3, 2005

Mr. John W. Candelora (W-69212)  
N.C.C.I.  
P.O. Box 466  
Gardner, MA 01440

Dear Mr. Candelora:

I am writing in response to your letter of July 18. I believe that, unfortunately, your one-year deadline for filing a petition for a writ of habeas corpus has passed. I do not know if there is anything you can do at this point to avoid dismissal of any document you might now file. You might try contacting the United States District Court Pro Se clerk's office for advice. That office would know if there is some provision in the federal rules for filing documents late. The new address of the Pro Se Clerk's office is as follows.

Pro Se Clerk  
United States District Court  
District of Massachusetts  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way  
Suite 2300  
Boston, MA 02210  
617-748-9130

If you find out that it is not too late for you to file a federal habeas petition, then the enclosed documents might be of use to you. The Pro Se clerk sent them to me several months ago. They are intended for use by state prison inmates who need to go into federal court without the assistance of an attorney. I believe that parts of the documents can be completed simply by "cutting and pasting" the brief that you filed as part of your state appeal. (The federal court's list of attorney organizations supplements the suggestions that I sent to you last year.)

On a separate subject, I wish to remind you (now that more than a year has passed since the reversal of some of your convictions) that, if the Commonwealth has not sought to retry

FILED  
IN CLERKS OFFICE

2005 AUG 31 A

U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Mr. John W. Candelora (W-69212)  
August 3, 2005  
Page Two

you on those indictments, you can ask the Superior Court to dismiss them. That is because, under Rule 36 of the Massachusetts Rules of Criminal Procedure, the Commonwealth had one year in which to commence a new trial.

Please feel free to write to me again if you have any further questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter M. Onek".

Peter M. Onek  
Appellate Attorney

Enc.



-R. 31-

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT DEPARTMENT  
INDICTMENT NO. **102509**

COMMONWEALTH

VS.

JOHN W. CANDELORA

---

INDICTMENT

INDECENT ASSAULT AND BATTERY - CHILD UNDER 14 YEARS  
GENERAL LAWS CHAPTER 265, SECTION 13B

---

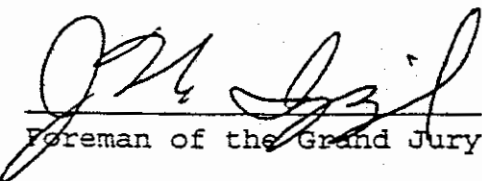
At the SUPERIOR COURT, begun and holden at BROCKTON, within and  
for the COUNTY of PLYMOUTH, on October 1, 1999 ,

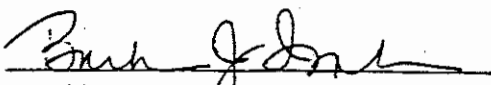
THE JURORS for the Commonwealth of Massachusetts on their oath  
present that:

JOHN W. CANDELORA

of PEMBROKE in the COUNTY of PLYMOUTH, in or between 1996 and 1997, at  
PEMBROKE in the COUNTY of PLYMOUTH, did commit an indecent assault and  
battery upon a child under the age of fourteen years.

A TRUE BILL

  
Foreman of the Grand Jury

  
Assistant District Attorney


---

RETURN

---

PLYMOUTH, SS. On this 4th day of October , 1999, this  
indictment was returned and presented to said Superior Court by the  
Grand Jury, and ordered to be filed and filed.

ATTEST:

  
Assistant Clerk

-R. 29-

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT DEPARTMENT

INDICTMENT NO.

102507

COMMONWEALTH

VS.

JOHN W. CANDELORA

INDICTMENT

RAPE OF CHILD - USE OF FORCE

GENERAL LAWS CHAPTER 265, SECTION 22A

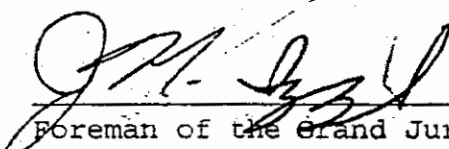
At the SUPERIOR COURT, begun and holden at BROCKTON, within and for the COUNTY of PLYMOUTH, on October 1, 1999,

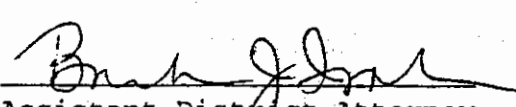
THE JURORS for the Commonwealth of Massachusetts on their oath present that:

JOHN W. CANDELORA

of PEMBROKE in the COUNTY of PLYMOUTH, in or between 1996 and 1997, at NORWELL in the COUNTY of PLYMOUTH, did unlawfully have sexual intercourse or unnatural sexual intercourse with a child under sixteen years of age, and compelled said to submit by force and against her will, or compelled said to submit by threat of bodily injury.

A TRUE BILL

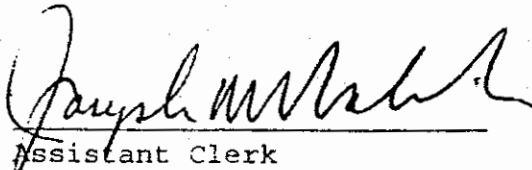
  
Foreman of the Grand Jury

  
Assistant District Attorney

RETURN

PLYMOUTH, SS. On this 4th day of October, 1999, this indictment was returned and presented to said Superior Court by the Grand Jury, and ordered to be filed and filed.

ATTEST:

  
Assistant Clerk

-R. 30-

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT DEPARTMENT  
INDICTMENT NO.

102508

COMMONWEALTH

VS.

JOHN W. CANDELORA

---

INDICTMENT

INDECENT ASSAULT AND BATTERY - CHILD UNDER 14 YEARS  
GENERAL LAWS CHAPTER 265, SECTION 13B

---

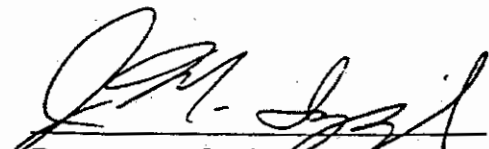
At the SUPERIOR COURT, begun and holden at BROCKTON, within and  
for the COUNTY of PLYMOUTH, on October 1, 1999

THE JURORS for the Commonwealth of Massachusetts on their oath  
present that:

JOHN W. CANDELORA

of PEMBROKE in the COUNTY of PLYMOUTH, in or between 1996 and 1997, at  
PEMBROKE in the COUNTY of PLYMOUTH, did commit an indecent assault and  
battery upon a child under the age of fourteen years.

A TRUE BILL

  
Foreman of the Grand Jury

  
Assistant District Attorney

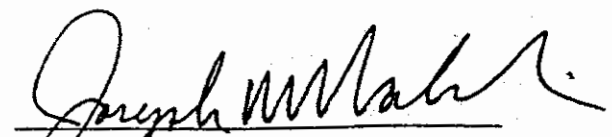
---

RETURN

---

PLYMOUTH, SS. On this 4th day of October, 1999, this  
indictment was returned and presented to said Superior Court by the  
Grand Jury, and ordered to be filed and filed.

ATTEST:

  
Assistant Clerk

-R. 28-

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT DEPARTMENT  
INDICTMENT NO.

102101

COMMONWEALTH

VS.

JOHN W. CANDELORA

---

INDICTMENT

INDECENT ASSAULT AND BATTERY - CHILD UNDER 14 YEARS  
GENERAL LAWS CHAPTER 265, SECTION 13B

---

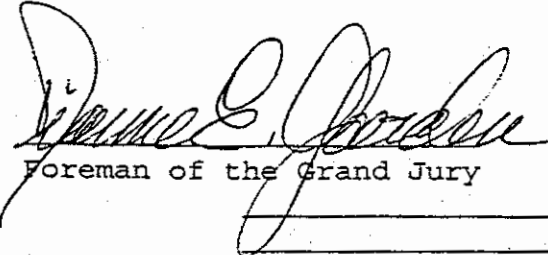
At the SUPERIOR COURT, begun and holden at BROCKTON, within and  
for the COUNTY of PLYMOUTH, on May 28, 1999 ,

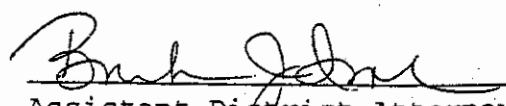
THE JURORS for the Commonwealth of Massachusetts on their oath  
present that:

JOHN W. CANDELORA

of PEMBROKE in the COUNTY of PLYMOUTH, on diverse dates in or about  
1996 to in or about 1998, at PEMBROKE in the COUNTY of PLYMOUTH,  
did indecently assault and beat one a child under  
the age of fourteen years.

A TRUE BILL

  
Foreman of the Grand Jury

  
Assistant District Attorney

---

RETURN

---

PLYMOUTH, SS. On this 1st day of June , 1999, this  
indictment was returned and presented to said Superior Court by the  
Grand Jury, and ordered to be filed and filed.

ATTEST:

  
Assistant Clerk

-R. 27-

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT DEPARTMENT  
INDICTMENT NO. **102100**

COMMONWEALTH

VS.

JOHN W. CANDELORA

---

INDICTMENT  
RAPE OF CHILD  
GENERAL LAWS CHAPTER 265, SECTION 23

---

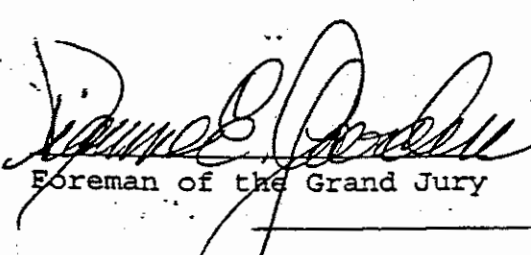
At the SUPERIOR COURT, begun and holden at BROCKTON, within and  
for the COUNTY of PLYMOUTH, on May 28, 1999

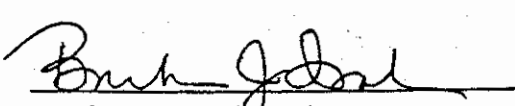
THE JURORS for the Commonwealth of Massachusetts on their oath  
present that:

JOHN W. CANDELORA

of PEMBROKE in the COUNTY of PLYMOUTH, on diverse dates in or about 1996  
to in or about 1998, at PEMBROKE in the COUNTY of PLYMOUTH, did assault  
a child under sixteen years of age, with the intent  
unlawfully to have sexual intercourse or unnatural sexual intercourse  
with and abuse said and did unlawfully have sexual  
intercourse or unnatural sexual intercourse with and abuse said

A TRUE BILL

  
Foreman of the Grand Jury

  
Assistant District Attorney

RETURN

PLYMOUTH, SS. On this 1st day of June, 1999, this  
indictment was returned and presented to said Superior Court by the  
Grand Jury, and ordered to be filed and filed

ATTEST:

  
Assistant Clerk



-R. 26-

JUL 25 2001

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

SUPERIOR COURT DEPARTMENT  
INDICTMENT NO.

102098

COMMONWEALTH

VS.

JOHN W. CANDELORA

---

INDICTMENT

ASSAULT WITH INTENT TO RAPE - CHILD UNDER SIXTEEN  
GENERAL LAWS CHAPTER 265, SECTION 24B

---

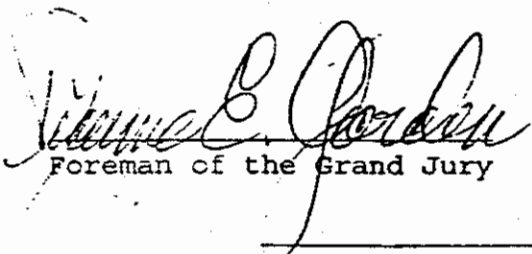
At the SUPERIOR COURT, begun and holden at BROCKTON, within and  
for the COUNTY of PLYMOUTH, on May 28, 1999 ,

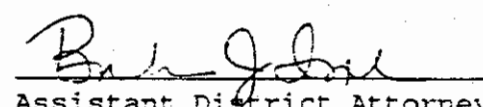
THE JURORS for the Commonwealth of Massachusetts on their oath  
present that:

JOHN W. CANDELORA

of PEMBROKE in the COUNTY of PLYMOUTH, in or about SUMMER 1998,  
at PEMBROKE in the COUNTY of PLYMOUTH, did assault one  
a child under the age of sixteen years, with intent to commit rape.

A TRUE BILL

  
Foreman of the Grand Jury

  
Assistant District Attorney

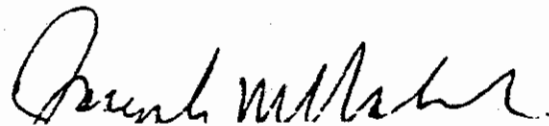
---

RETURN

---

PLYMOUTH, SS. On this 1st day of June , 1999, this  
indictment was returned and presented to said Superior Court by the  
Grand Jury, and ordered to be filed and filed.

ATTEST:



05 11794 WGY

JS 44 (Rev. 11/04)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

John W. Candelora

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

## DEFENDANTS

Steven O'Brien

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input checked="" type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

## V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

## VI. CAUSE OF ACTION

Brief description of cause:

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) Candelora v. O'Brien  
in the nature of a; Petition for a Writ of Habeas Corpus
2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).
- ☐ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- ☒ II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950. \*Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- ☐ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.
3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.  
N/A
4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?
- YES NO ☒ XX
5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)
- YES NO
- IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?
- YES NO
6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?
- YES NO
7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).
- YES ☒ XX NO
- A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?
- EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION
- B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?
- EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME John W. Candelora, in pro-seADDRESS N.C.C.I. Gardner/P.O. Box 466 Gardner Ma. 01440

TELEPHONE NO. \_\_\_\_\_